

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**ENVOLVE CLIENT SERVICES  
GROUP, LLC**

Plaintiff,

v.

Case No. \_\_\_\_\_

**MAPLE PLACE, LP, NLR RAD  
FAMILY HOMES, LP, HICKORY  
VIEW RAD, LP, HOLLY KNIGHT,  
and BGC ADVANTAGE, LLC d/b/a  
KNIGHT DEVELOPMENT**

Defendants.

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441(a), and 1446, Defendants Maple Place, LP, NLR RAD Family Homes, LP, Hickory View RAD, LP, Holly Knight, and BGC Advantage, LLC (“Defendants”) hereby remove this case from the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District to the United States District Court for the Western District of Tennessee, Western Division. This action is removable to this Court, and this Court has jurisdiction because there is complete diversity between Plaintiff Envolve Client Services Group, LLC (“Plaintiff”) and Defendants, and the amount in controversy meets the jurisdiction limit of the Court. In support of this Notice of Removal, Defendants state as follows:

1. On August 12, 2022, Plaintiff filed its initial Complaint in the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District, styled *Envolve Client Services Group, LLC v. Maple Place LP, NLR RAD Family Homes LP, and Hickory View RAD LP*, Civil

Action No. CT-3284-22.

2. A true and correct copy of the Summons and Complaint mailed to Maple Place LP, NLR RAD Family Homes LP, and Hickory View RAD LP is attached hereto as **Exhibit 1**.

3. On September 9, 2022, Plaintiff filed its First Amended Complaint in Circuit Court of Shelby County, Tennessee adding two additional defendants, styled *Envolve Client Services Group, LLC v. Maple Place LP, NLR RAD Family Homes LP, Hickory View RAD LP, Holly Knight, and BCG Advantage,<sup>1</sup> LLC d/b/a Knight Development*, Civil Action No. CT-3284-22.

4. The Summons and Complaint were reportedly served on September 12, 2022. A true and correct copy of the Summons and Complaint reportedly served on Defendants is attached hereto as **Exhibit 2**.

5. On September 27, 2022, Plaintiff filed a Motion for Leave to File a Second Amended Complaint, with accompanying memorandum in support.

6. A true and correct copy of the Motion for Leave to File a Second Amended Complaint and accompanying memorandum are attached as **Exhibit 3**. Defendants indicated to Plaintiff that they would consent to that filing and do not oppose the Motion being granted by this Court.

7. Except as outlined herein, no other pleadings have been filed in the Circuit Court of Shelby County as of the date of this Notice of Removal. A true and correct copy of the online docket in the Circuit Court Action is attached as **Exhibit 4**.

8. All Defendants consent to and join this Notice of Removal.

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<sup>1</sup> Please note, Plaintiff incorrectly named BCG Advantage, LLC in its First Amended Complaint, rather than the correct, BGC Advantage, LLC.

9.     **Venue.** This case is properly removed to this Court under 28 U.S.C. § 1441(a) because the Circuit Court of Shelby County is located in Shelby County, Tennessee, which is one of several counties found within the Western Division of the Western District of Tennessee. Therefore, venue is proper in this Court because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

10.    **Basis for Removal.** This action could have originally been brought in this Court pursuant to 28 U.S.C. § 1332(a) because Plaintiff and Defendants are completely diverse, and the amount in controversy exceeds \$75,000 exclusive of costs and interest. For purposes of diversity jurisdiction, “unincorporated entities, including limited liability companies, have the citizenship of each partner or member.” *Williams v. Defenders Inc.*, 2021 WL 4896581, at \*2 (W.D. Tenn. Oct. 20, 2021) (citing *Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009)). In this case, Plaintiff is a citizen of Shelby County, Tennessee, and Defendants are all citizens of Mississippi or Louisiana. This case is properly removable because Defendants are not citizens of the state in which the action was brought pursuant to 28 U.S.C. § 1441(c).

11.    **Timeliness of Removal.** This Notice is filed within thirty (30) days of the last Defendant having been served with the Summons and Complaint. Accordingly, this Notice of Removal is timely filed in accordance with 28 U.S.C. § 1446(b)(1) and (b)(2)(C). The 30-day removal period for the later-served Defendants began after September 12, 2022, when Defendants BGC Advantage LLC and Holly Knight were first served with the Plaintiff’s First Amended Complaint. From September 12, 2022, the 30-day removal period runs through October 12, 2022. Therefore, this Notice, filed on October 11, 2022, is timely.

12.    A true and correct copy of this Notice of Removal will be filed with the Clerk of the Circuit Court of Shelby County, Tennessee, in accordance with 28 U.S.C. § 1446(d), along

with a notice of that filing, a copy of which will be served on all parties.

13. By removing this action, Defendants do not waive any defenses available to them.

14. By removing this action, Defendants do not admit any of the allegations in Plaintiff's Complaint.

15. Defendants will provide notice to the Plaintiff of this Removal by electronic mail.

16. As required under Fed. R. Civ. P. 81(c)(2), Defendants will respond to the First Amended Complaint within seven (7) days of filing this Notice of Removal, unless an extension of the deadline is properly obtained pursuant to Court procedures.

WHEREFORE, based on the forgoing, Defendants Maple Place, LP, NLR RAD Family Homes, LP, Hickory View RAD, LP, Holly Knight, and BGC Advantage, LLC respectfully remove this action from Circuit Court of Shelby County, Tennessee to the U.S. Western District of Tennessee, Western Division.

Respectfully submitted this 11<sup>th</sup> day of October, 2022.

/s Jef Feibelman

Jef Feibelman (BPR No. 7677)  
Sarah Elizabeth Stuart (BPR No. 35329)  
BURCH PORTER & JOHNSON PLLC  
130 North Court Ave, Memphis TN 38103  
Telephone: 901.524.5109  
Fax: 901.524.5024  
Email: [jfeibelman@bpjlaw.com](mailto:jfeibelman@bpjlaw.com)  
[sstuart@bpjlaw.com](mailto:sstuart@bpjlaw.com)

Sara M. Lord (D.C. No. 1620099)  
(*pro hac vice forthcoming*)  
Orlando J. Cabrera (D.C. No. 995796)  
(*pro hac vice forthcoming*)  
Justin F. Ferraro (VA No. 92226)

(*pro hac vice forthcoming*)  
ARNALL GOLDEN GREGORY LLP  
1775 Pennsylvania Avenue NW, Suite 1000  
Washington, DC 20006  
Telephone: 202.677.4058  
Telephone: 202.677.4924  
Fax: 202.677.4925  
Email: [sara.lord@agg.com](mailto:sara.lord@agg.com)  
[orlando.cabrera@agg.com](mailto:orlando.cabrera@agg.com)  
[Justin.ferraro@agg.com](mailto:Justin.ferraro@agg.com)

*Attorneys for Defendants Maple Place, LP, NLR  
RAD Family Homes, LP, Hickory View RAD, LP,  
Holly Knight, and BGC Advantage, LLC*

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and exact copy of this pleading and its exhibits will be served upon Jennie V. Silk, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, counsel for Plaintiff, via electronic mail, this the 11th day of October, 2022.

/s Jef Feibelman

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